

3.9 Draft FSA Omnibus Privacy Act System of Records Notice/ Privacy Protections

Task Overview

The request to develop a new FSA Omnibus System of Records Notice came as a result of the need to consolidate some thirteen outstanding and draft system of records notices already issued by FSA. The existing structure of myriad system of records notice creates confusion for members of the public who are currently required to wade through technical descriptions of various systems to determine which particular system their request for notification, access or correction relates to. It also creates a burden on FSA whenever a change is made in its IT systems to update several systems of records that could be affected.

Task Details

The effort to combine the FSA System of Records notices has been short but productive. The policy effort began February 12 as a compilation of the non-boilerplate aspects of each of the existing and draft FSA system of records notices. It appeared that 10 of the current and draft notices pertain to student records. One pertains to persons associated with post-secondary educational institutions (18-11-09 -- Post-secondary Education Participants System). One pertains to individuals who apply for access to the Title IV WAN (18-11-10 Student Aid Internet Gateway, Participant Management System). The other pertains to anyone who opens a case with the FSA ombudsman (18-11-11 case files).

The purpose for the consolidation can be accomplished by consolidating the 10 student-oriented systems into one. FSA already has in place single systems that contain the universe of records of people associated with learning institutions (18-11-09) and people who gain access to the Title IV WAN (18-11-10). The case files of the ombudsman (18-11-11) are also sufficiently distinct.

Of the 10 student systems, 18-11-05 "Title IV Program Files", appears to be a catchall. Accordingly, the easiest way to proceed would be to modify that one to include everything contained in the other 9 student-oriented systems. We plan to describe the records as generically as possible to avoid the need for future updates as systems and programs undergo future changes.

The draft notice would also delete the following systems of records:

18-11-01
18-11-02
18-11-03
18-11-06
18-11-07
18-11-08
18-11-12
18-11-13
18-11-14

In addition to focusing on the System of Records issue, the team addresses additional facets of security and privacy policy matters. One issue that arose was in regards to the viability of using email for information distribution in relation to the Privacy Act. In response to FSA questions, the team performed a study on the matter. The team

interviewed various SSOs to gain more information on the issue; these responses are included in the FSA Privacy Act and Email Interview Responses.

Task Issues.

Location of records. There is a statutory requirement to identify the "location" of the records in the notice. In reality, the records are stored in a variety of formats (electronic, hard copy, microfilm/microfiche, etc.) in numerous locations that probably change frequently. These include vendor sites. We plan to deal with this by listing the 7th and D Street Building as the principal location and stating that various parts of the system are stored at various contractor sites, but are accessible through the manager at that office. Note that the statute uses the singular form of the word "location" to set forth the requirement. The statute also avoids the use of the term "each location" in setting forth the requirement of what must be disclosed in the notice. Attempting to list each and every location where FSA maintains records would frustrate the purpose of the consolidation because it would then require updating on every change. In the immortal words of Lord Coke, "The law doth never enforce a man to doe a vaine thing". Sir Edward Coke, The First Part of the Institute of the Laws of England (his Commentary upon Littleton) 1628, part 79c. "And the law, that is the perfection of reason, cannot suffer anything that is inconvenient." Ibid, part 97b.

National Student Loan Data System. There is a statutory requirement for FSA to maintain this "system". However, we don't read this as a statutory requirement to maintain the "system of records" separately. We will deal with this by references to NSLDS where relevant (i.e, Authorized uses, Purposes, Statutory Authority) and by statements that the omnibus system of records includes NSLDS.

Categories of Records in the system. These will depend upon how far a prospective student ever got in the process of receiving aid and the type of aid received. We plan to start by describing the Student Portal info and the application file as a "first tier" of information gathered by FSA and keep building the description from there.

Access, Notification, Record Contest procedures. These should not be too much of an problem. It appears that everything FSA maintains on a student is accessible by some combination or subset of: an individual's name, social security number, date of birth, and post-secondary education institution(s) attended.

Retrieval methods. Most modern databases can retrieve information by just about anything. It's only a matter of personnel and resources to design the appropriate query. We will deal with this by sticking with the name, social security number, date of birth and institution search criteria and say that other methods of retrieval exist for various parts of the system of records.

Task Status

A proposed Privacy Act system of records notice has been drafted and is currently being reviewed by the Department.

In regards to the privacy and email issue, the team wrote an evaluation of the situation and future actions, based upon the responses and research from federal guidance and best practices.